UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,843	02/08/2002	Kenji Iwano	2002_0211A	9646

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EXAMINER
TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/067,843	IWANO ET AL.
Office Action Summary	Examiner	Art Unit	
	Mike Tomaszewski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 May 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>03 May 2002</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Notice To Applicant

1.   This communication is in response to the application filed on 08 February 2002.

Claims 1-9 are pending. The IDS statements filed on 03 May 2002 and 08 February

2002 have been entered and considered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a
> foreign country or in public use or on sale in this country, more than one year
> prior to the date of application for patent in the United States.

3.   Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Joao

(6,283,761; hereinafter Joao).

(A)   As per claim 1, Joao discloses a medical information system comprising:

(a)   a patient server that can receive vital information, retain the received vital information, and transmit the retained vital information (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1); and

(b)   a medical care provider server connected to the patient server through a first network, the medical care provider server being capable of retaining the vital information received from the patient server through the first network and allowing the retained vital information to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 1-7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao

as applied to claim 1 above, and further in view of Jemes et al. (US 2001/0037384;

hereinafter Jemes).

(A)   As per claim 2, Joao discloses a medical information system according to claim

1, further comprising:

(a)   a patient terminal connected to the patient server through a network, the

patient terminal being capable of transmitting the vital information to the

patient server through the network (Joao: col. 12, lines 50-57; col. 13,

lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60;

Fig. 1); and

(b)   a doctor terminal connected to the medical care provider server through a

network, the doctor terminal being capable of browsing the vital

information retained in the medical care provider server through the

network (Joao: col. 12, lines 57-67; col. 13, lines 1-7 and 38-51; col. 14,

lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Joao, however, fails to _expressly_ disclose a medical information system

according to claim 1, further comprising:

(c)   second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced

by Jemes. In particular, Jemes discloses a medical information system according to

claim 1, further comprising:

(c)   second and third networks (Jemes: abstract; Fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Jemes with the teachings of Joao with the motivation of

providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(B)   As per claim 3, Joao discloses a medical information system according to claim

2, further comprising a sensor for measuring vital data, wherein the vital information

includes a measurement value by the sensor (Joao: col. 23, lines 47-61).

(C)   As per claim 4, Joao discloses a medical information system according to claim

2, wherein:

(a)   the doctor terminal can transmit an inquiry regarding health status of a

        patient to the medical care provider server through the network (Joao: col.

        31, lines 65-67; col. 32, lines 1-47; Fig. 1);

(b)   the medical care provider server can transmit the inquiry received from the

       doctor terminal to the patient server through the first network (Joao: col.

       31, lines 65-67; col. 32, lines 1-47; Fig. 1);

(c)   the patient server can transmit the inquiry received from the medical care

       provider server to the patient terminal through the network (Joao: col. 31,

       lines 65-67; col. 32, lines 1-47; Fig. 1); and

(d)   the vital information transmitted from the patient terminal to the patient

       server through the network includes a reply to the inquiry transmitted to

       the patient terminal (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system

according to claim 2, wherein:

(e)   the system comprises second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced

by Jemes. In particular, Jemes discloses a medical information system according to

claim 2, wherein:

(e)   the system comprises second and third networks (Jemes: abstract; Fig. 1-

       4).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(D)   As per claim 5, Joao fails to _expressly_ disclose a medical information system according to claim 2, further comprising:

> (a)   a first unauthorized access prevention section provided in the first network;
>
> (b)   a second unauthorized access prevention section provided in the second network;
>
> (c)   a third unauthorized access prevention section provided in the third network; and
>
> (d)   wherein the first and third unauthorized access prevention sections have higher security levels than that of the second unauthorized access prevention section.

Nevertheless, these features are old and well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system according to claim 2, further comprising:

(a)   a first unauthorized access prevention section provided in the first network

        (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4);

(b)   a second unauthorized access prevention section provided in the second

        network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig.

        1-4);

(c)   a third unauthorized access prevention section provided in the third

        network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig.

        1-4); and

(d)   wherein the first and third unauthorized access prevention sections have

        higher security levels than that of the second unauthorized access

        prevention section (Jemes: abstract; par. [0007] – [0017]; par. [0033] –

        [0047]; Fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Jemes with the teachings of Joao with the motivation of

providing a secure system for a plurality of interconnected networks (Jemes: abstract).

Examiner notes also that Joao teaches the use of various authorization, security

and encryption techniques, technologies, and methods (Joao: col. 15, lines 54-58; col.

40, lines 51-60).

(E)   As per claim 6, Joao fails to _expressly_ disclose a medical information system according to claim 5, wherein:

(a)   the first unauthorized access prevention section is provided with a firewall and a virtual private network;

(b)   the second unauthorized access prevention section is provided with a remote access server; and

(c)   the third unauthorized access prevention section is provided with a terminal authentication server.

Nevertheless, these features are old and well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system according to claim 5, wherein:

(a)   the first unauthorized access prevention section is provided with a firewall and a virtual private network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4);

(b)   the second unauthorized access prevention section is provided with a remote access server (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4); and

(c)   the third unauthorized access prevention section is provided with a

        terminal authentication server (Jemes: abstract; par. [0007] – [0017]; par.

        [0033] – [0047]; Fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Jemes with the teachings of Joao with the motivation of

providing a secure system for a plurality of interconnected networks (Jemes: abstract).

Examiner notes also that Joao teaches the use of various authorization, security

and encryption techniques, technologies, and methods (Joao: col. 15, lines 54-58; col.

40, lines 51-60).

(F)   As per claim 7, Joao discloses a medical information system according to claim

2, wherein the patient server and the medical care provider server are respectively

clustered (Joao: abstract; col. 3, lines 33-53; Fig. 1).

(G)   As per claim 8, Joao discloses a medical information system comprising:

(a)   a plurality of patient servers that can receive vital information, retain the

        received vital information, and transmit the retained vital information

        (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col.

        15, lines 1-17; col. 23, lines 48-60; Fig. 1);

(b)   a medical care provider server connected to the patient servers through a

        first network, the medical care provider server being capable of retaining

        the vital information received from the patient servers through the first

        network and allowing the retained vital information to be browsed (Joao:

        col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines

        1-17; col. 23, lines 48-60; Fig. 1);

(c)   a plurality of patient terminals respectively connected to the patient server

        through a network, the patient terminals being capable of transmitting the

        vital information to the patient server through the network (Joao: col. 12,

        lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17;

        col. 23, lines 48-60; Fig. 1); and

(d)   a doctor terminal connected to the medical care provider server through a

        network, the doctor terminal being capable of browsing the vital

        information retained in the medical care provider server through the

        network (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-

        67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

        Joao, however, fails to _expressly_ disclose a medical information system

comprising:

(e)   second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system comprising:

(e)   second and third networks (Jemes: abstract; Fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(H)   As per claim 9, Joao discloses a medical information system comprising:

(a)   a patient server that can receive vital information, retain the received vital information, and transmit the retained vital information (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);

(b)   a plurality of medical care provider servers respectively connected to the patient server through a first network, the medical care provider servers through the first network and allowing the retained vital information to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);

(c)   a patient terminal connected to the patient server through a network, the patient terminal being capable of transmitting the vital information to the

patient server through the network (Joao: col. 12, lines 50-67; col. 13,

lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60;

Fig. 1); and

(d)   a plurality of doctor terminals respectively connected to the medical care

provider serves through a network, the doctor terminals being capable of

browsing the vital information retained in the medical care provider servers

through the network (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col.

14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system

comprising:

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by Jemes. In particular, Jemes discloses a medical information system comprising:

(e)   second and third networks (Jemes: abstract; Fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Jemes with the teachings of Joao with the motivation of

providing a secure system for a plurality of interconnected networks (Jemes: abstract).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure. The cited but not applied art teaches a modular microprocessor-

based health monitoring system (5,307,263); a patient care and communication system

(5,822,544); a secure network and method of establishing communication amongst

network devices that have restricted network connectivity (US 2002/0066030);

supporting load sharing across multiple network access servers (6,147,987); and

supporting authentication across multiple network access servers (6,011,910).

The cited but not applied prior art also includes non-patent literature articles by

PR Newswire ("Euclid to Monitor Health Hero Network's Internet Operations" Jan 14,

2002. pg. 1.); Business Wire ("Spacelabs Medical, Inc. Reports First Quarter Results"

Apr 27, 1999. pg. 1.); Sutton, Neil ("Hospital offers patients Internet-based access" Aug

2001. Technology in Government. Vol. 8, Iss. 8. pg. 7.); M2 Presswire ("ASG: ASG

Technologies debuts in US market; Improves service providers' networks with first

network access control & security solution; Passwerks 2.0 provides increased network

efficiency, access control and security" Jun 6, 2001. pg. 1.); Russell, Deborah and

Gangemi Sr., G.T. ("Computer Security Basics" Copyright 1991. O'Reilly & Associates,

Inc.); and Al-Kaltham, Abdul-Rahman Ibrahim ("Evaluation and Comparison of Internet

Firewalls. Feb 9, 1998.).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT   12.09.2005

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER